

one or more antenna, at least a subset of which selectively coupled to the transceiver, to enable the establishment of the wireless communication channel with the at least one other apparatus.

REMARKS

This response is provided to the Office Action of May 24th, 2004. With this response, Applicant has amended a number of the claims, above, merely to correct lingering informalities identified therein. Applicant notes that none of the foregoing amendments were necessitated by any objections/rejections raised in the Office Action. Accordingly, such amendments were not intended as narrowing amendments, but merely to improve readability and/or correct grammar of the claims.

In addition, Applicant has added new claims 35-38. Support for such new claims and the foregoing amendments can be found in the original specifications, claims and/or figures. In this regard, no new matter has been introduced. Accordingly, with this response, claims 1-38 remain pending.

Claim Objections

On page 2 of the Action, claims 2 and 22 were objected to as "using all of said RF bandwidth if channel quality meets desired channel quality" appears to be confusing to the Examiner. This objection is respectfully traversed.

In particular, the Examiner has misinterpreted the specification (no citation provided) to confuse the number of timeslots allocated to a communication channel, and the channel's RF bandwidth. As used herein, the RF bandwidth allocated to the channel or a subset thereof (e.g., the uplink or the downlink) is distinct from the number of timeslots allocated to the channel (or

subsets thereof), and is clearly described in the original specification, figures and claims (see, e.g., page 5, line 30 through page 6, line 15; page 6, line 24 through page 7, line 5; page 11, line 8 through page 12, line 7; page 13, line 27 through page 14, line 16).

Accordingly, Applicant respectfully submits that such terms are not interchangeable, that the claims clearly define that which applicant regards as an embodiment of the invention, and that such claims are clearly supported by the original specification and figures. As such, Applicant respectfully requests that the objection to claims 2 and 22 be withdrawn.

§102(e) Rejection of Claims 1, 8-11, 15, 17-21 and 28-31

On pages 2-6 of the Action, claims 1, 8-11, 15, 17-21 and 28-31 were rejected as being anticipated by a patent issued to Cudak, et al. (USP 6,253,063) pursuant to 35 USC §102(e). In response, Applicant traverses the rejection of such claims.

It is well settled that in order to support a §102 rejection, the Office must establish that a single, prior art reference teaches each and every element of a claim, as such elements are presented within the rejected claim. In this case, Applicant respectfully submits that the Office has failed to establish this *prima facie* basis for the §102 rejection of at least claims 1, 8-11, 15, 17-21 and 28-31.

In particular, Applicant respectfully submits that Cudak fails to teach the claimed feature of reducing the RF bandwidth allocated to a communication channel. Rather, in rejecting claim 1 for example, the Office indicates that increasing or decreasing RF bandwidth is analogous to increasing decreasing the number of timeslots allocated to a channel. Applicant respectfully disagrees. Increasing the number of timeslots does not alter the radio frequency (RF) spectrum applied to a communication channel (or subset thereof, e.g., uplink or downlink) as the term RF

bandwidth is used in the pending application. Accordingly, Cudak fails to teach reducing an RF bandwidth of a communication channel as that term is used in the pending application.

Applicant notes that claims 15 and 21 include the RF bandwidth reduction feature, which is not taught by Cudak.

Insofar as Cudak fails to teach each and every element of claims 1, 15 and 21, Applicant respectfully submits that the Office has failed to establish *prima facie* support for the rejection thereof. Accordingly, Applicant respectfully requests that the §102(e) rejection of such claims be withdrawn.

Applicant notes that claims 8-11, 17-20 and 28-31 depend from patentable base claims 1, 15 or 21, respectively. Accordingly, in addition to any independent basis for patentability, Applicant respectfully submits that such claims are similarly patentable over the Cudak reference by virtue of at least such dependency. Thus, Applicant respectfully requests that the §102(e) rejection of claims 8-11, 17-20 and 28-31 be withdrawn.

§103(a) Rejection of Claims 2-4, 6, 7, 12, 13, 16, 22-24, 26, 27, 32 and 33

On pages 6-12, claims 2-4, 6, 7, 12, 13, 16, 22-24, 26, 27, 32 and 33 were rejected as being unpatentable over the Cudak reference in further view of a patent issued to Gilbert, et al. (USP 6,016,311) pursuant to 35 USC §103(a). In response, Applicant respectfully traverses the rejection of such claims.

Applicant notes that the Gilbert reference is not cited as teaching, nor does it teach the deficient element of Cudak identified above, namely, selectively reducing RF bandwidth allocated to a communication channel (or, element thereof, e.g., uplink or downlink element) to improve a quality parameter. Insofar as neither reference discusses reducing a channel's RF

bandwidth, they cannot reasonable be read as disclosing or suggesting such a feature. Thus, Applicant respectfully submits that claims 1, 15 and 21 remain patentable over the combination of Cudak and Gilbert.

Applicant notes that claims 2-4, 6, 7, 12, 13, 16, 22-24, 26, 27, 32 and 33 each depend from a patentable base claim 1, 15 or 21, respectively. Thus, in addition to any independent basis for patentability, Applicant respectfully submits that such claims remain patentable over the cited references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 2-4, 6, 7, 12, 13, 16, 22-24, 26, 27, 32 and 33 be withdrawn.

§103(a) Rejection of claims 5, 25 and 34

On pages 12-14 of the Action, claims 5, 25 and 34 are rejected as being unpatentable over the Cudak and Gilbert references in further view of a patent issued to Barlett, et al. (USP 5,557,603) pursuant to 35 USC §103(a). In response, Applicant traverses the rejection of such claims.

In particular, without accepting the appropriateness of the combination or the characterization of such references, Applicant notes that the Barlett reference is not cited as curing, nor does it cure, the limitation in the Cudak and Gilbert references of, e.g., reducing the RF bandwidth allocated to a communication channel (or, subset thereof, e.g., an uplink or downlink element) to improve a quality metric. In this regard, Applicant respectfully submits that claims 1, 15 and 21 remain patentable over the Cudak, Gilbert and Barlett references.

Applicant notes that claims 5, 25 and 34 depend from patentable base claims 1 or 21 and, in addition to any other basis of patentability, are likewise patentable over the cited references by

virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 5, 25 and 34 be withdrawn.

New Claims 35-38

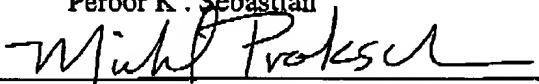
As introduced above, Applicant has added new claims 35-38. It should be appreciated that claim 35 and 37 each include at least the patentable feature of selectively reducing an RF bandwidth of at least a subset of a communication channel. As presented above, none of the cited references teach, disclose or suggest such a feature. As such, Applicant respectfully submits that claims 35 and 37, as well as any claims dependent therefrom, are likewise patentable over the references of record.

CONCLUSION

Applicant respectfully submits that pending claims 5-7, 11-13 and 15-22 are in condition for allowance, and earnestly awaits notice thereof. Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221. If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned is respectfully solicited.

Respectfully submitted,
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Dated: August 23, 2004 by:


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